

**February 8, 2016
Springfield, Missouri**

The City Council met in regular session February 8, 2016 in the Council Chambers at Historic City Hall. The meeting was called to order by Mayor Bob Stephens. A moment of silence was observed.

Roll Call	Present: Mike Schilling, Justin Burnett, Craig Fishel, Ken McClure, Jan Fisk, Craig Hosmer, Kristi Fulnecky, Phyllis Ferguson, and Bob Stephens. Absent: None.
Minutes	The minutes of January 25, 2016 and February 2, 2016 were approved as presented.
Consent Agenda	The Consent Agenda was finalized and approved as presented.
Motion to Table Council Bill 2016-034	Anita Cotter, City Clerk, notified Council she received a request from Geoffrey Butler, property owner's representative, to table Council Bill 2016-034. Councilman Schilling moved to table Council Bill 2016-034. Councilwoman Ferguson seconded the motion and it was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, and Stephens. Nays: None. Absent: None. Abstain: None.

CEREMONIAL MATTERS

City Managers report and responses to questions raised at the previous City Council meeting:

Collin Quigley, Assistant City Manager, responded all questions had been answered. Mr. Quigley noted the Springfield Police Department has completed the City's 2015 Uniform Crime Report. He stated year-end data shows an overall increase in crime in Springfield of 4.5 percent compared to 2014, when the City experienced a 12 percent decrease in crime. Mr. Quigley noted when compared to the average of the previous five years, total crime in 2015 was down. He stated the total number of property crimes increased by three percent in 2015. Mr. Quigley noted a five-year comparison shows crimes against property (burglary, larceny, stolen vehicles) declined in 2015. He stated a five-year comparison shows a consistent upward trend in crimes against persons from 2010 to 2014.

Mr. Quigley noted approximately 150 individuals attended the Zone 1 Connect event on Saturday, January 30, 2016. He stated this event was an interactive exercise to decide which projects were feasible and desirable for Zone 1. Mr. Quigley noted there are now more than 170 partner organizations engaged in this effort.

Mr. Quigley noted the City's February 2016 one percent sales tax check from the Missouri Department of Revenue is down seven percent compared to the amount budgeted. He stated this check reflects sales processed by the State in January 2016 for transactions made primarily during the month of December 2015. Mr. Quigley noted revenues are up three percent over budget on a year-to-date basis. He stated the City relies heavily on sales tax revenues as its main source of revenue to fund vital services, such as police and fire operations. In Springfield, approximately 60 percent of revenue in the General Fund comes from sales tax

and use tax.

Mr. Quigley noted the City was asked to address the issue of three separate homeless campsites located on both public and private property. He stated Springfield Police and Building Development Services worked with One Door to assist homeless individuals find the help they need. Mr. Quigley noted One Door has been successful in finding temporary shelter for four of the nine individuals. He stated One Door is working to find permanent housing solutions for them. Mr. Quigley noted the other five individuals chose not to receive assistance. He stated Springfield Police provide at least 24-hour notice in instances where individuals are asked to move from no trespassing zones.

Mr. Quigley noted Greg Burris, City Manager, has been named one of the 50 Missourians you need to know by the Kansas City Business Publication, Ingram's. He stated other community leaders recognized were John Jungmann, Dave Murray, Jeff Schrag, and John Wanamaker.

Mr. Quigley noted Springfield's The Norman Jackson Band was recently named the Third Ranked Unsigned Blues Band in the World at the 32nd Annual International Blues Challenge in Memphis, Tennessee.

Mayor Pro Tem McClure asked for clarification on what prompted the City to respond to the homeless campsites and how often this is done. Mr. Quigley responded there were three campsites the City had received complaints about. He stated these complaints came from neighbors and one Neighborhood Association. Mr. McClure asked if the City is reacting typically or does the City take the initiative to address this issue. Mr. Quigley responded the City normally reacts to complaints.

The following bills appeared on the agenda under Second Reading Bills:

**Rezoning 2716-2736
West Republic Street
and 4229 South Scenic
Avenue**

Schilling. Council Bill 2016-032. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 1.88 acres of property, generally located at 2716-2736 West Republic Street and 4229 South Scenic Avenue, from Greene County R-1, Suburban Residence District, to a City GR, General Retail District; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Thomas & Lee Ann Conway, Tom's Lawn Maintenance, LLC and St. Thomas the Apostle Orthodox Church; 2716-2736 W. Republic St. and 4229 S. Scenic Ave.; Z-37-2015.)

Council Bill 2016-032. General Ordinance 6264 was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, and Stephens. Nays: None. Absent: None. Abstain: None.

**Rezoning 1514 West
Lark Street and 4346
South Kansas Avenue**

Sponsor: Hosmer. Council Bill 2016-033. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 6.83 acres of property generally located at 1514 West Lark Street and 4346 South Kansas Avenue, from Planned Development No. 88, 2nd Amendment and an R-SF, Single Family Residential District, to an O-1, Office District with a Conditional Overlay District No. 105. (By: R.H. Montgomery Properties, INC.; 1514 West Lark Street and 4346 South Kansas Ave.; Z-1-2016)

& Conditional Overlay District No. 105.)

Council Bill 2016-033. General Ordinance 6265 was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, and Stephens. Nays: None. Absent: None. Abstain: None.

Tabled

**Rezoning 608, 614, and
618 West Mount
Vernon Street**

Sponsor: Council Bill 2016-034. A general ordinance amending the Springfield Land Development Code, Section 36-306, Zoning Maps, by rezoning approximately 0.81 acres of property, generally located at 608, 614, and 618 West Mount Vernon Street, from R-SF, Single-Family Residential District, to R-LD, Low-Density Multi-Family Residential District; establishing Conditional Overlay District No. 103; and adopting an updated Official Zoning Map. (Staff, and Planning and Zoning Commission recommend approval.) (By: Mount Vernon 608, LLC; 608, 614 and 618 West Mount Vernon Street; Z-39-2015 & Conditional Overlay District No. 103.)

**Conditional Use Permit
No. 418 at 1100 & 1110
North Grant Avenue**

Sponsor: Ferguson. Council Bill 2016-035. A special ordinance authorizing the issuance of Conditional Use Permit No. 418 to allow an automobile service garage within a GR, General Retail District, generally located at 1100 & 1110 North Grant Avenue. (Planning and Zoning Commission and staff recommend approval.)

Council Bill 2016-035. Special Ordinance 26692 was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, and Stephens. Nays: None. Absent: None. Abstain: None.

**Cherry Townhouse
Redevelopment Area**

Sponsor: McClure. Council Bill 2016-036. A special ordinance adopting the Redevelopment Plan for the Cherry Townhouse Redevelopment Area (CTRA) generally located along the south east side of East Cherry Street between South Thomas Avenue and South Kimbrough Avenue, and declaring its redevelopment necessary for the preservation of the public peace, prosperity, health, safety, morals, and welfare. (The Planning and Zoning Commission, The Land Clearance for Redevelopment Authority, and City staff recommend approval.)

Councilman Hosmer asked for clarification on the amount of tax abatement. Mary Lilly Smith, Director of Planning and Development, responded the developer is not required to provide information on the value of their new construction. She stated the proposed is concerning whether the developer's redevelopment plans are consistent with the City's comprehensive plan. Mr. Hosmer asked if the developer will come before Council prior to getting the abatement. Ms. Smith responded in the negative. Mr. Hosmer expressed his opinion Council members should be informed and know the value of abatements prior to being asked to approve them.

Mayor Pro Tem McClure asked for clarification on the process the Land Clearance for Redevelopment Authority (LCRA) uses when considering these requests. Ms. Smith gave a brief overview of the LCRA review process. She stated the LCRA reviews requests twice to determine if a blighting action is needed and to determine if the redevelopment plan is consistent with the City's comprehensive plan. Ms. Smith noted if Council passes a redevelopment plan, the LCRA reviews the project plan to determine if all plans are consistent. She stated if the redevelopment plan is consistent, the LCRA sends a letter of

qualification to the Greene County Assessor who applies the actual abatement. Ms. Smith noted this process is prescribed by State law. She stated the developer was in attendance and can provide the amount of tax abatement.

Kelly Burn, property developer, stated the value of the abatement is approximately \$40,000 over 10 years. Councilman Hosmer asked for clarification on the proposed development. Mr. Burn responded there will be three townhouses. Mr. Hosmer asked for clarification on the existing structure on the property. Mr. Burn responded the current structure is an old single-family house that has been converted into an apartment with four units. Councilwoman Fulnecky asked if the developer is not being required to submit a blight report because the area has already been designated as blighted. Ms. Smith responded in the affirmative. Ms. Fulnecky expressed her opinion predictability is important to developers and if incentives are going to be offered, Council should follow the rules which were originally passed.

Council Bill 2016-036. Special Ordinance 26693 was approved by the following vote: Ayes: Burnett, Fishel, McClure, Fisk, Fulnecky, Ferguson, and Stephens. Nays: Schilling and Hosmer. Absent: None. Abstain: None.

RESOLUTIONS.

EMERGENCY BILLS.

PUBLIC IMPROVEMENTS.

GRANTS.

AMENDED BILLS.

PUBLIC HEARING.

FIRST READING BILLS.

Aggressive Solicitation

Sponsor: McClure. Council Bill 2016-040. A general ordinance amending the Springfield City Code, Chapter 78 – Offenses and Miscellaneous Provisions, Article I – In General by repealing Section 78-2 – Aggressive solicitation in its entirety.

Dan Wichmer, City Attorney, gave an overview of the proposed. Mr. Wichmer noted the City was sued by the American Civil Liberties Union and an individual claiming the City's current panhandling ordinance is in violation of a new U.S. Supreme Court case called Reed versus Town of Gilbert, Arizona. He stated this Supreme Court case, basically, struck down every panhandling law in the United States. Mr. Wichmer noted Cities are now tasked with determining if existing panhandling ordinances can be used and, and if not, what ordinances are currently available to deal with the secondary effects of panhandling. Mr. Wichmer presented an overview of the existing ordinances approved by the City of Springfield to protect citizens who feel threatened by people soliciting in an aggressive manner.

Mayor Pro Tem McClure asked if Council is repealing all of the aggressive

solicitation ordinance. Mr. Wichmer responded in the affirmative. Mr. McClure asked if Council is doing this because of a court order. Mr. Wichmer responded in the affirmative. Mr. McClure asked for clarification on options available to individuals for dealing with aggressive solicitation. Mr. Wichmer gave a brief overview of the ordinances available for enforcement. Mr. McClure asked if it is permissible for an individual to approach a car in an intersection. Mr. Wichmer responded as long as traffic is not being impeded. Mr. McClure asked if an examination of existing ordinances permissible under the court order is being conducted. Mr. Wichmer responded in the affirmative. Mr. McClure asked if this examination is being conducted nation-wide. Mr. Wichmer responded in the affirmative.

Councilwoman Fulnecky expressed her opinion repealing this ordinance ties the hands of police officers. Ms. Fulnecky asked if the City of Springfield's panhandling ordinance was struck down. Mr. Wichmer responded the City agreed to enjoin the ordinance based on these court cases.

Councilman Fishel asked for clarification on the City's liability if an individual is in the median and is run over. Mr. Wichmer responded he does not believe the City has liability.

Councilwoman Ferguson asked for clarification on businesses having aggressive solicitation occur in their parking lots. Mr. Wichmer responded private businesses still retain the right to deal with trespassing. Ms. Ferguson asked if these businesses can call 9-1-1 to report trespassers. Mr. Wichmer responded in the affirmative.

Councilman Hosmer expressed his opinion Council should develop an ordinance which will provide for the safety of the public as well as the safety of panhandlers. Mr. Wichmer responded he is working with the Departments of Public Works and Police to determine how best to write such an ordinance.

Collin Quigley, Assistant City Manager, noted a Plans and Policies Committee meeting is scheduled for Tuesday, February 16, 2016 and panhandling is on the agenda.

Councilwoman Fulnecky asked for clarification on if traffic is not being obstructed, can an individual display aggressive behavior without violating existing ordinances. Mr. Wichmer responded behavior that causes an individual to feel threatened must be displayed.

Mayor Stephens asked for clarification on the definition of impeding. Mr. Wichmer explained the definition.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was closed.

**Addition Full-Time
Building Development
Services Department
Inspector**

Sponsor: Ferguson. Council Bill 2016-041. A special ordinance authorizing the addition of one full-time residential construction and zoning inspector to the Building Development Services Department (BDS).

Chris Straw, Director of Building Development Services, gave a brief overview of

the proposed.

Mayor Pro Tem McClure asked for clarification of the funding source. Collin Quigley, Assistant City Manager, responded it is part of the General Fund budget. Mr. McClure stated this is a three-month commitment for the remainder of this fiscal year, but also becomes an ongoing expenditure. Mr. Quigley, stated this position will be part of next year's budget.

Councilman Hosmer asked if this position will be funded through an increase in permit fees. Mr. Straw responded the proposed position is not related to commercial or residential properties. This position will inspect rental properties to ensure those properties are suitable for human habitation. Mr. Hosmer expressed his opinion the proposed in the best interest of the City.

Mr. Quigley stated the funding source will come out of contingencies.

Mayor Stephens asked for the number of inspectors prior to the recession. Mr. Straw responded there were 13 inspectors. After moving five inspectors to the Health Department, he was left with eight inspectors in his department. Mr. Straw noted he responded to over 9,000 complaints in 2015 and he anticipates over 10,000 in 2016.

Councilwoman Ferguson asked for clarification on the number of complaints he responded to when he had 13 inspectors. Mr. Straw responded approximately 8,000 complaints.

Councilman Burnett expressed his appreciation to Mr. Straw for responding to the number of complaints he does with the number of inspectors he has.

An opportunity was given for citizens to express their views. With no appearances, the public hearing was closed.

PETITIONS, REMONSTRANCES, AND COMMUNICATIONS.

The following appeared on the agenda under New Business:

Records Retention

As per RSMo. 109.230 (4), City records that are on file in the City Clerk's office and have met the retention schedule will be destroyed in compliance with the guidelines established by the Secretary of State's office.

UNFINISHED BUSINESS.

MISCELLANEOUS.

CONSENT AGENDA FIRST READING BILLS.

The following bill appeared on the agenda under Consent Agenda One Reading Bills:

Waste District "O" Grant

Sponsor: Fisk. Council Bill 2016-042. A special ordinance authorizing the City Manager, or his designee, to accept and appropriate a Waste District "O" grant in the amount of \$28,859 for the purpose of purchasing a variety of recycling

containers for use at City-operated facilities; and amending the Environmental Services Department, Fiscal Year 2015-2016 budget in the amount of \$28,859.

Council Bill 2016-042. Special Ordinance 26694 was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, and Stephens. Nays: None. Absent: None. Abstain: None.

The following bills appeared on the agenda under Consent Agenda Second Reading Bills:

Surface Transportation Program - Urban Program Agreement with the Missouri Highways and Transportation Commission

Sponsor: Hosmer. Council Bill 2016-037. A special ordinance authorizing the City Manager, or his designee, to enter into a Surface Transportation Program (STP) - Urban Program Agreement with the Missouri Highways and Transportation Commission (MHTC) to partially reimburse the base salaries of up to six City employees who work at the Transportation Management Center (TMC) and amending the budget of the Department of Public Works for Fiscal Year 2015-2016, in the amount of \$300,000.

Council Bill 2016-037. Special Ordinance 26695 was approved by the following vote: Ayes: Schilling, Burnett, Fishel, McClure, Fisk, Hosmer, Fulnecky, Ferguson, and Stephens. Nays: None. Absent: None. Abstain: None.

Confirmed

The City Manager recommends the following appointment to the Building Trades Examination and Certification Board: James "Randy" Scott with term to expire October 1, 2017.

Confirmed

Mayor Stephens recommends the appointment of Ken McClure to serve as Council's non-voting liaison to the Police Officer's and Fire Fighter's Retirement System Board of Trustees.

Adjourn

With no further business to come before Council, the meeting adjourned at approximately 7:06 p.m.

Anita J. Cotter, CMC/MRCC
City Clerk

Prepared by Tom Smith
Assistant City Clerk